

REMARKS/ARGUMENTS

EXAMINERS CLAIM REJECTIONS – 35 USC § 102

1. “The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:” etc.
2. “Claims 1-4, 9, 10, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Newman.

Newman discloses the use of a finger (10) interconnected to a pick in combination for playing a musical instrument comprising: an adjustable finger (10) which defines a finger receiving receptacle there through; a tether (60) made from an elastic material (column 4, lines 60-65) having a first end and a second end; and a pick (30); said first end being removably attached by a first attachment means onto said finger ring and having an opening for slidably receiving the finger ring; a second end being removably attached by a second attachment means onto said pick, whereby the finger ring, pick and tether are interconnected yet removably attached together (see figure 3). Newman further discloses a tether with a central area, first and second intermediate areas with fasteners and first and second ends that form a loop for fastening and securing the ring and the pick. Newman also discloses the use of a tether that has a retracted and a non-retracted position (see figures 3 & 4) (column 4, lines 36-46).

APPLICANTS REPLY

It is contended by the applicants that the Examiner is correct in that Newman teaches the overall concept as taught within original claims 1-4.

Namely, Newman discloses a finger receptacle, a tether, a pick and the tether being removably attached onto the receptacle and pick, (original claim 1). Newman also teaches that the finger receptacle is adjustable in size (original claim 2) and also the tether is made from a resilient material (original claims 3). Furthermore, Newman teaches that the first attachment means includes the first end of the tether having an opening for slidably receiving the ring (original claim 4).

Thus to overcome the rejections, claim 1 has now been amended. Wherein, original claim 1 has now been combined with original claim 7 (claim 7 would be allowable as stated by the Examiner). Namely, the second attachment means of claim 7 has now been incorporated into original claim 1. Thus original claim 1 as amended is much more limited and now defines patentable material with regard to Newman. Therefore, newly amended claim 1 includes the second attachment means of original claim 7, and original claims 2-4 read on amended claim 1. Overall, being claim 1 as amended is limited to the second attachment means, the first attachment means as taught in original claims 2-4 remain unchanged and can be claimed therewith accordingly.

However, reconsideration of rejection pertaining to claim 10 is respectfully requested after consideration of the following. Newman does disclose a tether but it is not one elongated tether having first and second ends folded over forming a first and a second loop that are each retained within a fastener as clearly taught within the present application and depicted in figure 3. Thus, claim 10 as currently amended should overcome the rejection accordingly.

Reconsideration of the Examiners rejections pertaining to original claim 12 is respectfully requested after considering the following. The applicants contend that Newman teaches a first and second position for the tether. Namely, the tether is formed from a spring like material having a retracted position and a retracted position. However, the present invention clearly states and teaches the retractable position is within the ring member itself. Unlike, Newman wherein either the tether is a spring, or it is retracted into a wheel. More importantly, being original claim 12 is now dependant upon newly presented claim 1 (which should be allowable) this overcomes the rejection according regardless of the means for retracing.

EXAMINERS CLAIM REJECTIONS – 35 USC § 103

3. “The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:” etc.
4. “Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newman in view of Cotoia.

Newman does not disclose the use of an attachment comprising the first end of a string being manually to a ring.

Cotoia discloses the use of a device for holding and controlling a string-retained article where the first end of a string is manually to a ring (see figure 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ring as disclosed by Newman with the manually tied string as disclosed by Cotoia in order to control a string retained article.

APPLICANTS REPLY

Newman does not disclose that the first attachment can be tied, such as taught by Cotoia and such is stated by the Examiner. However, original claim 5 remains the same accordingly being that newly amended claim 1 now further defines over the prior art.

EXAMINERS CLAIM REJECTIONS – 35 USC § 103

5. “Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newman in view of Rowley.

Newman does not disclose the specific use of a gripping portion.

Rowley discloses the use of a guitar pick with a tether with first and second attachment means where second attachment means being attached onto a gripping member having an internal triangular shaped recess being of a shape and size to mate with the corner of the pick (see figure 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ring as disclosed by Newman with the gripping member as disclosed by Rowley in order to effectively control a pick surface.

APPLICANTS REPLY

Reconsideration of Examiners rejection #5 above is respectfully requested after review of the following remarks. The Examiner states that Newman does not teach use of a gripping portion but that Rowley does. The applicants disagree, as nowhere in the Rowley reference do they teach “a gripping member having an internal triangular shaped recess, and the recess being of a shape and size to mate

with a corner of the pick” as clearly taught within the present invention. The “gripping portion” of the cited reference is strictly limited to “sandpaper” or the like and provides a rough surface that is attached onto the pick. Thus, the gripping member of the present invention is completely different and is heretofore not taught. Thus, claim 6 as currently amended should be in condition for allowance. Namely, original claims 1 and 6 have now been combined to more clearly define over the prior art.

EXAMINERS CLAIM REJECTIONS – 35 USC § 103

6. “Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newman in view of Phillips.

Newman does not disclose the specific use of a gripping portion.

Phillips discloses the use of a guitar pick with magnet (26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ring as disclosed by Newman with the magnet as disclosed by Phillips in order to insure rapid and convenient removal and replacement of the pick.

APPLICANTS REPLY

It is contended by the applicants that being claim 1 has now been amended to include the second attachment means which is allowable, original claim 10 need not be amended as it is now dependant upon a base claim that is allowable.

EXAMINERS CLAIM REMARKS

7. "Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

APPLICANTS REPLY

In view of the Examiners remarks pertaining to claims 7 and 8 kindly note the following: We herein present (currently amended) Claim 1, wherein original claim 7 has now been combined with original claim 1 accordingly. Original claim 8 is herein presented (currently amended) to read on newly presented claim 1 accordingly. Thus, as amended, the claims should now be in order for issue.

In view of the above, if the Examiner agrees but does not feel that the present claims are technically adequate and/or if the Examiner (knowing that the applicants are not skilled Attorney's but are applying as a private citizens) can see areas which applicants have failed to point out and distinctly claim but would lead to patentable material, then we respectfully request the Examiner to point out said material and to write acceptable claims pursuant to MPEP 707.07(j) and give the applicants an opportunity to respond further before final action.

CONCLUSION

For all the reasons above, this application is now submitted to contain claims that define a novel and patentable invention. Hence allowance of the application is respectfully submitted to be proper and is respectfully solicited.

We thank the Examiner for their time and we look forward to our next reply.

Very respectfully,


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Paul a. Squillante